

**SAMUEL STEINMAN.**

**JANUARY 8, 1897.**—Committed to the Committee of the Whole House and ordered to be printed.

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**Mr. GRIFFIN**, from the Committee on Military Affairs, submitted the following

**REPORT.**

[To accompany H. R. 5756.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 5756) to correct the military record of Samuel Steinman, of Scottsdale, Pa., beg leave to submit the following report, and recommend that said bill do pass:

It is shown by the records of the War Department that Samuel Stineman, aged 13 years, was enrolled and mustered into service August 22, 1862, as a drummer in Company E, Thirteenth West Virginia Infantry, to serve three years; that he served faithfully until March 10, 1863, when he is reported as having deserted. It does not appear that he returned to his company and regiment. It is further shown by such record that under the name Samuel L. Stineman he was enrolled and mustered into service January 2, 1864, as a private in Company B, Twenty-eighth Pennsylvania Infantry Volunteers, to serve three years, such enlistment being in violation of the Twenty-second (now Fiftieth) Article of War; that he served faithfully under this enlistment and was mustered out and honorably discharged June 30, 1865; that in an application for removal of the charge of desertion and for an honorable discharge from the first enlistment, he declared on December 20, 1888, that he served with his company and regiment until his father came, in March, 1863, and took him home where he was compelled to remain; that he reenlisted as a private in Company B, Twenty-eighth Pennsylvania Infantry, and was honorably discharged therefrom; that on January 29, 1889, the application for the removal of the charge of desertion was denied by the War Department, under the act approved July 5, 1884, the only law under which it could then be considered; also that it appears that his reenlistment was made for the purpose of securing bounty or other gratuity to which he would not have been entitled had he remained under his original term of enlistment and because the case did not come within any of the other provisions of the act approved March 2, 1889, the only law at present in force governing the subject of removal of charges of desertion.

The excuse made by the soldier in this case for the act, out of which has grown the record charge of desertion, is his youth and the compulsory act of his father in taking him from his command. That he was extremely young to serve in the capacity of a soldier is borne out by his military record in the War Department, which shows that at the time of his enlistment, on the 22d day of August, 1862, he was but 13 years of age, and it also appears that in March following his father visited his regiment

and insisted upon his going home. The affidavit of the soldier states that at the time he left his command he secured a pass from Captain Carter to admit him on board a steamboat up the river with his father on their way home. He frankly states that, boy like, he wanted to go home, and that the pass was secured without much persuasion; that his father being a farmer and without other help compelled him to remain with him during that summer; that the provost-marshal at Greensburg would take no notice of the soldier after having reported to him once, and the soldier assumes that it was on account of his youth; that some time in December he persuaded his father to allow him to go to Greensburg to learn the printing trade; that on the way he met a recruiting officer and with him returned to Point Pleasant, and on January 2 enlisted a second time, as stated in the War Department report; that on his second enlistment, on going out to his father's farm, his father signed his papers, being prompted so to do by \$200 local bounty, which he does not deny receiving, but that the money was no inducement to him, as he gave his father all except a few dollars, which he spent foolishly, and \$25 which he was silly enough to give to the recruiting officer, who was some retired second lieutenant, whose name the soldier has forgotten. The circumstances stated in the affidavit of the soldier are, in a measure, corroborated by the affidavit of L. Winscheimer, made on April 29, 1896.

It must be conceded that the soldier, under his first enlistment, was within the limit of age which entitled his father to demand and secure his release from military service. It is also a fair presumption, from the fact which has been established by affidavit, that his father visited his regiment and took the young man home; that such visit was made for the intent and purpose of securing his release from the Army. It needs no argument to satisfy the mind that a boy so youthful in years could, in his actions, be absolutely dominated by the will, wish, and command of his parent, and that the departure from the regiment was not of the boy's own volition, but in obedience to the requirements of his father. Under such circumstances there could have been no voluntary intention or purpose formed by the soldier to desert, and that the parent, and not the boy, is responsible for the circumstances out of which arose the charge of desertion. The unfavorable remark found in the record of the War Department, that the second enlistment occurred in order to obtain a bounty, is fully overcome by the statement in the affidavit of the soldier that he gave it all to his father save a few dollars, which he foolishly expended, and the \$25 which the recruiting officer received. The fair inference, from the statement in the affidavit, with reference to the second enlistment, is that the recruiting officer and the parent were quite solicitous to have the boy enlist, and are more responsible for the second enlistment, because of the payment of bounty, than was the boy.

Your committee, in view of the youth of the soldier at the time of his leaving his command, being of an age which, under the common law, entitled the parent as his natural guardian to control him, and the fact that in less than a year thereafter he again enlisted and served faithfully until after the close of the war, when he received an honorable discharge, and that the desertion, if any occurred, was not of his own volition, but resulted from the act of, and the right to direct and control him, which belonged to and was exercised by his parent, believe the soldier should not be held responsible for an act which it was not in his power to prevent, and that the unjust charge should be removed from his record.

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